

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 661

Short Title: Public Utility/HOA Exemption. (Public)

Sponsors: Senator Kinnaird (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

April 4, 2013

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT A WATER, SEWER, ELECTRIC, THERMAL, OR A CENTRAL DISTRICT HEATING AND COOLING SYSTEM OWNED OR LEASED BY A HOMEOWNERS ASSOCIATION OR A COMMERCIAL ASSOCIATION THAT PROVIDES WATER, SEWER, ELECTRIC, OR THERMAL SERVICE, OR ANY COMBINATION OF THESE SERVICES, ONLY TO MEMBERS OR LEASEHOLDS OF MEMBERS IS NOT A PUBLIC UTILITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62-3 reads as rewritten:

"§ 62-3. Definitions.

As used in this Chapter, unless the context otherwise requires, the term:

...
(23)

d. The term "public utility," except as otherwise expressly provided in this Chapter, shall not include a municipality, an authority organized under the North Carolina Water and Sewer Authorities Act, electric or telephone membership corporation; or any person not otherwise a public utility who furnishes such service or commodity only to himself, his employees or tenants when such service or commodity is not resold to or used by others; provided, however, that any person other than a nonprofit organization serving only its members, who distributes or provides utility service to his employees or tenants by individual meters or by other coin-operated devices with a charge for metered or coin-operated utility service shall be a public utility within the definition and meaning of this Chapter with respect to the regulation of rates and provisions of service rendered through such meter or coin-operated device imposing such separate metered utility charge. If any person conducting a public utility shall also conduct any enterprise not a public utility, such enterprise is not subject to the provisions of this Chapter. A water or sewer system owned by a homeowners' association that provides water or sewer service only to members or leaseholds of members, water, sewer, electric, thermal, or a Central District Heating and Cooling (CCHP) system owned or leased by a homeowners association or a commercial association that provides water, sewer, electric, or thermal service, or any



